

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INTELLECTUAL VENTURES II LLC,

Plaintiff,

v.

UNITED STATES CELLULAR CORP.,

Defendant.

Civil Action No. 13-1637-LPS

JURY TRIAL DEMANDED



~~PROPOSED~~ FINAL JUDGMENT

WHEREAS Plaintiff Intellectual Ventures II LLC ("Plaintiff") asserted in this action that Defendant United States Cellular Corporation ("Defendant") infringed United States Patents 5,339,352 ("the '352 Patent") and 6,115,737 ("the '737 Patent"). (D.I. 3).

WHEREAS Plaintiff has asserted infringement of claims 1 and 9 of the '352 Patent in this action.

WHEREAS Plaintiff has asserted infringement of claims 7, 8, 9, and 14 of the '737 Patent in this action.

WHEREAS the Court, by memorandum opinion and order dated March 24, 2015, construed certain claim terms of the '352 and '737 Patents. (D.I. 221, 222).

WHEREAS Plaintiff withdrew its allegation that Defendant infringed claim 9 of the '737 Patent. (D.I. 304 (Plaintiff's Final Identification of Accused Products and Asserted Claims)).

WHEREAS the Court, by order dated August 23, 2017, granted summary judgment that claims 1, 5, and 9 of the '352 Patent are not directed to patent-eligible subject matter in favor of Defendant and against Plaintiff. (D.I. 570; 571).

WHEREAS the Court, by memorandum opinion and order dated December 30, 2016, granted judgment on the pleadings that claims 7, 8, 9, and 14 of the '737 Patent are not directed to patent-eligible subject matter in favor of Defendant and against Plaintiff.¹ (D.I. 487; 488).

WHEREAS the Court, by order dated August 23, 2017, denied Plaintiff's motion for reconsideration of the grant of judgment on the pleadings in relation to the '737 Patent. (D.I. 570; 571).

IT IS HEREBY ORDERED AND ADJUDGED:

1. Judgment of invalidity under 35 U.S.C. § 101 of claims 1, 5, and 9 of U.S. Patent No. 5,339,352 is entered in favor of Defendant and against Plaintiff;
2. Judgment of invalidity under 35 U.S.C. § 101 of claims 7, 8, 9, and 14 of U.S. Patent No. 6,115,737 is entered in favor of Defendant and against Plaintiff;
3. All other pending motions are dismissed without prejudice as moot;
4. Any and all of Defendant's remaining defenses and counterclaims are dismissed without prejudice; and
5. Defendant shall file any bill of costs under Federal Rule of Civil Procedure 54(d) and Local Rule 54.1 or motion for attorney's fees within 45 days of the date on which the Federal Circuit issues its mandate on any appeal in this action. If Plaintiff does not file an appeal in this action, Defendant's deadline for filing such motions and its bills of costs shall be extended to 45 days after the deadline for Plaintiff to file an appeal has lapsed.

This is a final judgment and may be appealed.

¹ Claim 9 of the '737 Patent was asserted by Plaintiff while Defendant's motion for judgment on the pleadings was briefed, and was argued in the briefing papers.

FARNAN LLP

/s/ *Brian E. Farnan*

Joseph J. Farnan, III (#3945)
Brian E. Farnan (#4089)
Michael J. Farnan (#5165)
919 N. Market Street, 12th Floor
Wilmington, DE 19801
(302) 777-0300
jjfarnan@farnanlaw.com
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com

Attorneys for Intellectual Ventures II LLC

RICHARDS, LAYTON & FINGER, P.A.

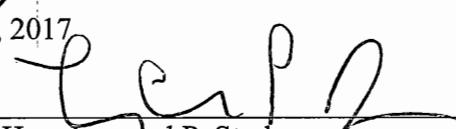
/s/ *Katharine L. Mowery*

Steven J. Fineman (#4025)
Katharine L. Mowery (#5629)
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700
fineman@rlf.com
mowery@rlf.com

Attorneys for United States Cellular Corp.

September 29, 2017

SO ORDERED this 31 day of October, 2017



Hon. Leonard P. Stark